

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Richard M. Kline,

Plaintiff

vs.

Equifax Information Services, LLC,
Trans Union LLC and Experian
Information Solutions, Inc.,

Defendants

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Case No.

COMPLAINT

(Jury Trial Requested)

JEANETTE W. MCNAUL
C.C.P. & C.S.

2017 APR 18 AM10:00

RICHLAND CIRCUIT
FILED

Plaintiff, complaining of the Defendants above-named, would show this Court:

JURISDICTION

1. The State of Residence of Plaintiff is the State of South Carolina, County of Richland.
2. The Defendant Equifax Information Services, LLC is a foreign corporation with its principal place of business, "nerve center" and headquarters in the State of Georgia.
3. The Defendant Trans Union LLC is a foreign corporation with its principal place of business, "nerve center" and headquarters in the State of Illinois.
4. The Defendant Experian Information Solutions, Inc. is a foreign corporation with its principal place of business, "nerve center" and headquarters in the State of Texas.
5. This Court has jurisdiction over the parties and subject matter of this action, and venue is proper based upon the non-residence of the Defendant(s) herein.

FACTUAL ALLEGATIONS

6. In or around February of 2016, unbeknownst to Plaintiff, a thief used his identity to make multiple fraudulent purchases, including a Dodge Charger Hellcat, which purchased in Dearborn, Michigan, and was financed through TD Auto Finance.
7. Defendants Trans Union and Experian provided Plaintiff's credit information to third parties without a permissible purpose in violation of 15 U.S.C § 1681(b), which enabled the above purchase.
8. Later in February 2016 Plaintiff received notices in the mail from Hartford Insurance and TD Auto Finance concerning the purchase of a Dodge vehicle.
9. Plaintiff did not recognize the transaction and had not purchased the vehicle.
10. Plaintiff contacted the dealership, filed a police report and notified TD Auto Finance (TDAF) of the fraud, completing a fraud affidavit. Plaintiff did not know at the time that Defendants were reporting the TD Auto Finance account (and other fraudulent accounts, including a Rooms to Go charge account opened in Atlanta, also by TD Bank) against his credit.
11. In or around April 26, 2016 Plaintiff applied to co-sign for a mortgage to allow his daughter to buy a home.
12. The application was denied due to the multiple fraudulent negative accounts appearing on his credit file.
13. Following the denial, Plaintiff obtained his credit reports from Defendants Equifax, Experian and Trans Union.
14. Upon receiving his reports, Plaintiff discovered multiple fraudulent accounts, including those described above, and multiple fraudulent inquiries, and sales of his credit report to debt collectors and other parties for "Account Review" purposes.
15. In or around October of 2016 Plaintiff made detailed, written disputes to Defendant Credit Reporting Agencies.

16. Despite receipt of same, Defendants Equifax, Experian and Trans Union failed and refused to remove some or all the fraudulent information.
17. Defendant Credit Reporting Agencies' actions violate the Fair Credit Reporting Act, including but not limited to 15 U.S.C. 1681i, and compounded the fraudulent activities, which the Agencies' had helped to enable.
18. As a direct and proximate result of the foregoing, Plaintiff has been damaged.

**FOR A FIRST CAUSE OF ACTION
AS TO DEFENDANT CREDIT REPORTING AGENCIES**
(Negligent Noncompliance with FCRA)

19. Plaintiff realleges and incorporates the allegations contained elsewhere herein to the extent not inconsistent with the allegations of this Cause of Action.
20. Defendants prepared and furnished credit reports on Plaintiff that contain false information.
21. Plaintiff notified Defendants they were reporting false information, disputed that information, and asked Defendants to correct it.
22. Despite those disputes, Defendants continued to report false information.
23. Upon information and belief, Defendants' reporting is at present false and incorrect.
24. Defendants have negligently violated the FCRA, including but not limited to the requirements in 15 U.S.C. §1681b, §1681e and §1681i.
25. Because of Defendants' failure to comply with the requirements of FCRA, Plaintiff suffered and continues to suffer actual damages, including economic loss, denial of credit, lost opportunity to receive credit, damage to reputation, invasion of privacy, emotional distress and interference with Plaintiff's normal and usual activities for which Plaintiff seeks damages in an amount to be determined by the jury.
26. Plaintiff requests attorney's fees under 15 U.S.C. §1681o(a).

**FOR A SECOND CAUSE OF ACTION
AS TO DEFENDANT CREDIT REPORTING AGENCIES**

(Willful Noncompliance with FCRA)

27. Plaintiff realleges and incorporates the allegations contained elsewhere herein to the extent not inconsistent with the allegations of this Cause of Action.
28. Defendants prepared and furnished credit reports on Plaintiff that contains false information.
29. Plaintiff notified Defendants of the reporting of false information, disputed that information, and asked Defendants to correct it. Despite those disputes, Defendants continued to report false information.
30. Defendants willfully violated the requirements of FCRA.
31. Because of Defendants' willful violations of the FCRA, Plaintiff may recover actual, statutory and punitive damages.
32. Plaintiff requests attorney's fees under 15 U.S.C. § 1681n(a).

PRAYER FOR RELIEF

WHEREFORE, the prayer of the Plaintiff is for judgment in an amount sufficient to compensate Plaintiff for actual damages, with punitive damages, statutory damages, such interest as is allowable by law, costs, attorney's fees, and such other relief as is just and proper.

DAVE MAXFIELD, ATTORNEY, LLC

By: 

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DATED: April 12, 2017

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FIFTH JUDICIAL CIRCUIT

Case No.2017-CP-40-2340

CERTIFICATE OF SERVICE

I, the undersigned employee of Dave Maxfield, Attorney, LLC do hereby swear and affirm that on the 18th day of April, 2017, I served the foregoing Summons & Complaint, by sending a copy of same by U.S. Certified Mail, Restricted Delivery, Return Receipt Requested to the following:

Equifax Information Services, LLC
c/o Corporation Service Company
1703 Laurel Street
Columbia, South Carolina 29201

Trans Union LLC
c/o The Prentice-Hall Corporation System, Inc.
1703 Laurel Street
Columbia, South Carolina 29201

Experian Information Solutions, Inc.
c/o C T Corporation System
2 Office Park Court Suite 103
Columbia, South Carolina 29223

Janel Bess
Janel Bess

DATED: April 18, 2017
Columbia, South Carolina